

Appl. No. 10/773,971
Docket No. 9520
Amdt. dated October 25, 2007
Reply to Final Office Action mailed on September 19, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are currently under consideration. No additional claims fee is believed to be due.

Claims 7 and 12-20 have been withdrawn as a result of an earlier restriction requirement.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over U.S. Pat. No. 3,834,636 or U.S. Pat. No. 5,464,170 in view of U.S. Pat. No. 3,770,118 or GB 2 380 178

Claims 1-6 and 8-11 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 3,834,636 (hereinafter "Linick") or U.S. Pat. No. 5,464,170 (hereinafter "Mitchell") in view of U.S. Pat. No. 3,770,118 (hereinafter "Jones") or GB 2 380 178 (hereinafter "Lomas"). This rejection is traversed on the grounds that, as presented, Linick or Mitchell in view of Jones or Lomas fail to satisfy the requirements for a showing of obviousness as established by Graham v. John Deere Co., 381 U.S. 1, 148 USPQ 459 (1966). The four Graham factors are: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the difference between the claimed invention and the prior art; and (4) objective evidence of nonobviousness.

Claim 1 recites, *inter alia*, a kit comprising at least one roll of the convolutedly wound web material, at least one roll-support adapter wherein wherein the combination of the roll-support adapter and a roll holding fixture has a single roll capacity greater than the first single roll capacity. The Office Action cites Linick and/or Mitchell which disclose a roll-support adapter (Office Action dated Sept. 19, 2007, p. 2), but relies on Jones and/or Lomas which disclose that it is possible to package additional items with

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rolled products. (Jones, Col. 4, lines 6-7; Lomas, p. 3). In order to make a finding of obviousness based on the combination of prior art elements, the Office must provide a rationale to support a conclusion that all the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. Federal Register, Vol. 72, No. 195 / Wednesday, October 10, 2007, 57,529 (hereinafter "the Register"). The Register notes the holding from Anderson's Black Rock, Inc. v. Pavement Salvage Co. 396 U.S. 57, 463 USPQ 673 (1969) which states that combining elements to perform their old functions is obvious because a different function is not performed. The Applicants note that the novel function of providing consumers with confidence of having a roll-support adapter that is compatible with the roll (i.e., wherein the combination of the roll-support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity) is a novel function of providing a kit.

With respect to the John Deere factors; (1) the scope and content of the prior art, and (3) the difference between the claimed invention and the prior art, the Applicants respectfully submit that neither Mitchell nor Linick discloses including the roll-support adapter in any sort of kit or package. Further, Jones and Lomas do not disclose that the bonus item to be included with the package provides the benefit of allowing consumers the security of an item compatible with the roll product. For example, Lomas discloses that the containers in the package may be for "promotional gifts or samples or information sheets" (Lomas, Abstract) and Jones contains no disclosure with respect to the article that may be included.

Finally, the Applicants respectfully submit that the claimed kit is nonobvious because of commercial success (attached Declaration under 37 CFR 1.132, p. 2) of the invention. *In re Huang*, 100 F.3d 135, 139-40, 40 USPQ2d 1685, 1689 (Fed. Cir. 1996).

Thus, the Applicants respectfully submit that the *prima facie* case of obviousness has not been established and that Claims 1-6 and 8-11 are nonobvious over the cited prior art.

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Conclusion

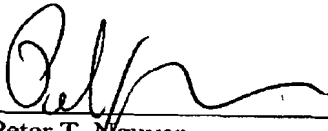
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-6 and 8-11 are respectfully requested.

Respectfully submitted,

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